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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR-08-720 SBA
14 Plaintiff,) STIPULATION AND ORDER TO
15 v.) CONTINUE STATUS CONFERENCE
16 MARK MALDONADO,) AND EXCLUDE TIME UNDER THE
17 Defendant.) SPEEDY TRIAL ACT
18

19 IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its
20 attorney, Joshua Hill, and the defendant through his attorney, Lynda Joy Westlund, that the
21 status hearing presently set for October 13, 2009, be continued to November 10, 2009 at 9:00
22 a.m.

23 The request for a continuance is due to defense counsel's scheduling conflict; defense
24 counsel is currently appearing in a trial in Southern California. In addition, defense counsel
25 continues to investigate the case and review the discovery produced by the government. The
26 parties are also discussing a possible disposition by plea agreement. The parties agree that the
27 delay is not attributable to lack of diligent preparation on the part of either party. For these
28 reasons, the parties request that time under the Speedy Trial Act be excluded based on the

1 defendant's need for reasonable time necessary for effective preparation, taking into account the
2 exercise of due diligence. The parties agree that the waiver covers all time between October 13,
3 2009 and November 10, 2009.

4 IT IS SO STIPULATED:

5 Dated: October 9, 2009

/S/
LYNDA JOY WESTLUND
Attorney for Maldonado

7
8 Dated: October 9, 2009

/S/
JOSHUA HILL
Assistant United States Attorney

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11 **ORDER**

12 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
13 matter now scheduled for October 13, 2009 is hereby rescheduled for November 10, 2009 at 9:00
14 a.m. Based upon the representation of counsel and for good cause shown, the Court also finds
15 that failing to exclude the time between October 13, 2009 and November 10, 2009 would
16 unreasonably deny the parties the reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds
18 that the ends of justice served by excluding the time between October 13, 2009 and November
19 10, 2009 from computation under the Speedy Trial Act outweigh the best interests of the public
20 and the defendant in a speedy trial. Therefore, it is hereby ordered that the time between
21 October 13, 2009 and November 10, 2009 shall be excluded from computation under the Speedy
22 Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

23
24 DATED: October 13, 2009



HONORABLE SAUNDRA B. ARMSTRONG
United States District Court Judge